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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JULIO SUAREZ;	:	Civil Rights Complaint
DANIEL R. BINDERUP;	:	42 U.S.C. § 1983
DANIEL F. MILLER;	:	
FIREARMS POLICY	:	Civil Action No. 1:21-CV-710
COALITION, INC.; and,	:	
SECOND AMENDMENT	:	
FOUNDATION,	:	
	:	
Plaintiffs	:	
v.	:	
	:	
COL. ROBERT EVANCHICK,	:	
Commissioner of Pennsylvania	:	

State Police :
Defendant :

JOINT OMNIBUS MOTION OF THE PARTIES

As specified herein, the Parties respectfully move this Court to enter an order permitting limited discovery and staying this matter, pending a decision by the U.S. Supreme Court in *New York State Rifle & Pistol Association, Inc., et al. v. Bruen, et al.*, docket no. 20-843. In support of this motion, the Parties respectfully state:

1. On June 17, 2021, the Defendant filed a Motion to Dismiss (Doc. 13), followed by his Brief in Support (Doc. 24) on July 15, 2021.
2. On July 15, 2021, this Court issued a Case Management Order (Doc. 22), which, *inter alia*, addressed the timeframe for discovery to be completed and for dispositive motions.
3. On August 13, 2021, Plaintiffs filed their Brief in Opposition to Defendant's Motion to Dismiss (Doc. 24) and a Notice of Supplemental Authority on August 17, 2021 (Doc. 26).
4. Most recently, Defendant filed his Reply Brief in Support of his Motion to Dismiss on September 2, 2021 (Doc. 29).
5. As the deadline for dispositive motions is quickly approaching, counsel for the Parties met and conferred and consistent therewith, agreed to filing of this motion seeking the following relief:
 - a. Discovery be reopened for the limited purpose of Defendant being able to depose each Plaintiff, for not more than 30 minutes; whereby, all depositions will be conducted virtually, on the same day, by February 28, 2022.
 - b. Beyond the limited reopening of discovery, the case, including Defendant's pending Motion to Dismiss, be stayed pending a decision by the U.S. Supreme

Court in *New York State Rifle & Pistol Association, Inc., et al v. Bruen, et al.*, docket no. 20-843.

- c. The stay will be lifted after the U.S. Supreme Court renders a decision in *New York State Rifle & Pistol Association, Inc.*, and after the Court issues an Order with respect to Defendant's Motion to Dismiss.
 - d. If the Court denies the motion, then dispositive motions from both parties will be due within 60 days of the Order denying the Motion to Dismiss.
6. Numerous other federal courts, including the U.S. Supreme Court itself, have stayed Second Amendment cases pending a decision in *New York State Rifle & Pistol Association, Inc.* See e.g.
- a. Before the U.S. Supreme Court: *Young v. Hawaii*, no. 20-1639 (License denial); *ANJRPC v. Bruck*, no. 20-1507 (Magazine Capacity).
 - b. Before the Circuit Courts: *Lara v. Evanchick*, no. 21-1832 (3d Cir.) (18-20 carry); *Maryland Shall Issue v. Hogan*, no. 21-2017 (4th Cir.) (Handgun qualification licenses); *Call v. Jones*, no. 21-1334 (4th Cir.) (Carry permits); *Nichols v. Newsom*, no. 14-55873 (9th Cir.) (stayed pending *Young v. Hawaii*) (challenge to California open carry ban); *Rupp v. Bonta*, no. 19-56004 (9th Cir.) (Assault weapon ban); *Teter v. Connors*, no. 20-15948 (9th Cir.) (Butterfly knives); *Flanagan v. Bonta*, no. 18-55717 (9th Cir.) (held for *Young v. Hawaii*) (Challenge to California open carry ban).
 - c. Before the District Courts: *Greco v. NYC*, no. 1:20-cv-0926 (S.D. NY) (NYC carry license); *Mazahreh v. Bruck*, no. 1:20-cv-17598 (D. NJ) (NJ carry license); *Bennett v. Davis*, no. 1:20-cv-15406 (D. NJ) (NJ carry license); *Baird v. Bonta*,

no. 2:19-cv-00617 (E.D. CA) (CA carry);

Livingston v. Ballard, no. 1:19-cv-00157 (D. HI) (held for *Young v. Hawaii*)

(carry); *Roberts v. Connors*, no. 1:18-cv-00125 (D. HI) (electronic arms)

WHEREFORE, the Parties respectfully request that the Court grant this joint omnibus motion to permit limited discovery and stay this matter, pending a decision by the U.S. Supreme Court in *New York State Rifle & Pistol Association, Inc.* A proposed order is attached hereto.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed electronically through the Middle District of Pennsylvania Electronic Filing System. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all registered users in this case.

Civil Rights Defense Firm, P.C.

Date: January 25, 2022

/s/ Joshua Prince

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